

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Victor B. Perkins,

Case No. 22-cv-1624 (KMM/TNL)

Plaintiff,

v.

ORDER

Jack Daniels, and Dionne Hart,

Defendants.

This matter is before the Court on Plaintiff Victor Perkins' application to proceed *in forma pauperis* ("IFP") on appeal and his motion to proceed without prepayment. [Doc. 10, 11, 13]. Based on the Court's review of the entire record, Mr. Perkins' appellate IFP application is **GRANTED**, and he is **HEREBY ORDERED** pay an initial partial appellate filing fee of \$35 pursuant to *Henderson v. Norris*, 129 F.3d 481, 485 (8th Cir. 1997).¹ The balance of the appellate filing fee shall be deducted pursuant to 28 U.S.C. § 1915(b)(2).

Date: January 11, 2023

s/ Katherine M. Menendez

Katherine M. Menendez

United States District Judge

¹ On December 21, 2022, the Court instructed Mr. Perkins to submit a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his notice of appeal so that the Court could calculate his initial partial appellate filing fee pursuant to 28 U.S.C § 1915(b)(1). [Doc. 12]. Mr. Perkins filed a renewed IFP application on January 3, 2023, along with a copy of his inmate trust account statement. [Doc. 13, 13-1]. However, the copy submitted by Mr. Perkins is not a certified copy, and accordingly, the Court has calculated the initial partial appellate filing fee in accordance with the *Henderson* court's instructions. 129 F.3d at 485 ("If the district court does not receive a certified copy of the prisoner's account within 30 days of the notice of appeal, it shall calculate the initial appellate filing fee at \$35 or such other reasonable amount warranted by available information.").